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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10-054,927	01/25/2002	John T. Mokrzycki	11009-0023	5597

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EXAMINER

UPTON, CHRISTOPHER

ART UNIT

PAPER NUMBER

1724

DATE MAILED: 06/10/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

054927

Applicant(s)

Mokrzycki

Examiner

Jptm

Group Art Unit

1724

— The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address —

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- ☐ Responsive to communication(s) filed on \_\_\_\_\_
- ☐ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- ☒ Claim(s) 1-21 is/are pending in the application.
- Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- ☒ Claim(s) 1-21 is/are rejected.
- ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- ☐ Claim(s) \_\_\_\_\_ are subject to restriction or election requirement

## Application Papers

- ☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119 (a)-(d)

- ☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119 (a)-(d).
  - ☐ All ☐ Some ☒ None of the:
  - ☒ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_
  - ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a))

\*Certified copies not received: \_\_\_\_\_

## Attachment(s)

- ☒ Information Disclosure Statement(s), PTO-1449, Paper No(s) 2
- ☒ Notice of Reference(s) Cited, PTO-892
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Interview Summary, PTO-413
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Other \_\_\_\_\_

Office Action Summary

Art Unit 1724

1. Claims 1-20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 lacks antecedent basis for the inlet opening. It appears that claim 20 should depend from claim 19, instead of 18, to provide antecedent basis for the handles.

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(c) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claim 21 is rejected under 35 U.S.C. 102(b) as being anticipated by Schaier.

Art Unit 1724

Schaier discloses a filter downstream of the side opening of a catch basin, as claimed.

4. Claim 21 is rejected under 35 U.S.C. 102(e) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Leahy.

Leahy discloses a filter for a drain, substantially as claimed. While Leahy does not explicitly disclose a catch basin, it is submitted that the general recitation of a drain and the disclosure of "any type of drainage, whether open or enclosed" (column 1, lines 64-67) obviously includes catch basins.

5. Claims 1-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mokrzycki et al in view of Schaier or Leahy.

Mokrzycki discloses a two piece trap for mounting in the wall of a catch basin, similar to that claimed. Mokrzycki does not disclose a filter downstream of the trap.

It is well known to filter stormwater effluent, as exemplified by Schaier and Leahy. It would therefore have been obvious for one of ordinary skill in the art to add a filter to the trap of Mokrzycki, to remove more contaminants.

With respect to claims 2 and 6, which recite a cutting guide and a circular opening, it is submitted that the configuration of the opening would have been an obvious matter of optimization, failing to patentably distinguish over Mokrzycki, and that a cutting guide would have been obvious due to the disclosure of boring through the wall.

Art Unit 1724

With respect to claims 9, 12 and 13, which recite a bayonet mount, it is submitted that such mounting means are well known (for example in vacuum cleaner hoses, camera lenses and numerous other well known applications, including a filter, as shown in Rayborn) and therefor fail to patentably distinguish over Mokrzycki.

6. Claims 1-3 and 6-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mokrzycki et al in view of Harms et al or Nurse Jr.

Mokrzycki discloses a two piece trap for mounting in the wall of a catch basin, similar to that claimed. Mokrzycki does not disclose a filter connected to the trap.

It is well known to filter effluent from a trap, as exemplified by Harms and Nurse. It would therefore have been obvious for one of ordinary skill in the art to add a filter to the trap of Mokrzycki, to remove more contaminants.

7. Claims 17-20 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112 set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

The recitation of a two piece trap, as recited in claim 1, in combination with a filter connected to the first trap member having a mounting member with a first portion sized to be insertable in the outlet opening and a second portion radially extending outward to engage with an inner side of the first wall when the first portion is inserted through the outlet opening patentably distinguishes over the prior art of record.

Art Unit 1724

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.


Other trap and drainage filters of interest include Boosey, Marchionda, Gallagher, Egan and Kinne. Hultgren discloses a trap of interest. Rayborn discloses a handled filter with a bayonet mount.

9. The oath or declaration is defective. A new oath or declaration in compliance with 37 CFR 1.67(a) identifying this application by application number and filing date is required. See MPEP §§ 602.01 and 602.02.

The oath or declaration is defective because:

It does not identify the foreign application for patent or inventor's certificate on which priority is claimed pursuant to 37 CFR 1.55, and any foreign application having a filing date before that of the application on which priority is claimed, by specifying the application number, country, day, month and year of its filing.

10. Any inquiry concerning this communication should be directed to Christopher Upton at telephone number (703) 308-3741.



CHRISTOPHER UPTON  
PRIMARY EXAMINER